

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.20747 and 32084 of 2019 & 5144, 5551 and 5610 of 2020
& Crl.M.P.Nos.10679 and 17612 of 2019,
2944, 3128, 3129 and 3166 of 2020

1.K.P.Kuppusamy

2.Dr.K.Raju

3.K.Jayaraman

4.Dr.R.Selvi ...Petitioners/A1 to A4 in
Crl.O.P.No.20747 of 2019

1.Dr.K.Raju

2.K.Jayaraman

3.Dr.R.Selvi ...Petitioners/A3 to A5 in
Crl.O.P.No.32084 of 2019

1.S.Palaniappan

2.Dr.K.Raju ...Petitioners/ A1 to A2 in
Crl.O.P.No.5144 of 2020

1.S.Palaniappan

2.P.Senthilkumar

3.M.Vetrivel ...Petitioners/A5 to 7
in Crl.O.P.No.5551 of 2020

1.S.Palaniappan

2.P.Senthilkumar ...Petitioners/A1 & A2
in Crl.O.P.No.5610 of 2020

Vs.

1.State Rep by
The Inspector of Police
Pappireddipatti Police Station
Dharmapuri District.
(Crime No.356/2019)

2.S.Akila

...Respondents in
Crl.O.P.No.5144 of 2020

T.Deepan

...Respondent/Complainant in
Crl.O.P.Nos.20747 of 2019
and 5551 of 2020

1.State Rep by
The Inspector of Police
Pappireddipatti Police Station
Dharmapuri District.
(Crime No.318/2019)

...1st Respondent/Complainant

2.T.Deepan

...Respondents/Defacto
Complainant in
Crl.O.P.Nos.32084 of 2019
and 5610 of 2020

PRAYER in Crl.O.P.No.20747 of 2019: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in C.C.No.66 of 2019, on the file of the Judicial Magistrate, Pappireddipatti and quash the complaint.

PRAYER in Crl.O.P.No.32084 of 2019: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in Crime No. 318 of 2019 on the file of the 1st respondent and quash the first Information Report.

PRAYER in Crl.O.P.No.5144 of 2020: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in Crime No.356 of 2019 on the file of the 1st respondent and quash the first Information Report.

PRAYER in Crl.O.P.No.5551 of 2020: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in C.C.No.66 of 2019, on the file of the Judicial Magistrate, Pappireddipatti and quash the complaint.

PRAYER in Crl.O.P.No.5610 of 2020: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in Crime No. 318 of 2019 on the file of the 1st respondent and quash the first Information Report.

For Petitioners : Mr.G.Arul Murugan
in all Crl.O.P;s.

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor for R1
in Crl.O.P.Nos.20747 and 32084 of
2019, 5144 and 5610 of 2020

O R D E R

These Criminal Original Petitions have been filed to quash the F.I.Rs in Crime Nos.318 and 356 of 2019 as well as the C.C.No.66 of 2019.

2. Some of the cases are still in the stage of investigation and other case is in trial. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves.

3. A Joint Memo of Compromise for all the Criminal Original Petitions have been filed before this Court which have been signed by both the parties. All the parties are present and identified by their respective counsel and the Police. This Court also enquired both the parties through video conference and was satisfied that the parties have come to an amicable settlement between themselves. Relevant portion of the Joint Memo of Compromise are extracted hereunder:

"JOINT MEMO OF COMPROMISE in CrI.O.P.No.20747 of 2019

1. The Petitioners humbly submit that the respondent herein has preferred a private complaint as against them for offences under Section 147, 148, 294(b), 323, 341, 447, 427, 457, 354, 464, 465, 468, 120 (b) r/w 109 of IPC, on the file of Hon'ble Judicial Magistrate, Pappireddipatti and the same has been taken on file in CC No. 66 of 2019.

2. It is respectfully submitted that the petitioners and the 2nd respondent has amicably compromised the issue between themselves and they have settled the civil disputes and they are compounding the offences.

3. It is respectfully submitted that the 2nd respondent has no objection in allowing the above petition by quashing the complaint in CC No. 66 of 2019, on the file of the Judicial Magistrate, Pappireddipatti.

4. Therefore it is humbly prayed that this Hon'ble Court may be pleased to record the joint memo of compromise allowing the parties to compound the offence and quash the complaint in CC No. 66 of 2019, on the file of the Judicial Magistrate,

Pappireddipatti and thus render Justice.

JOINT MEMO OF COMPROMISE in CrI.O.P.No.32084 of 2019

1. The petitioners humbly submit that they have been falsely implicated in a case under Sections 120(b), 447 & 506 (ii) of IPC of Indian Penal Code in Crime No. 318 of 2019.

2. It is respectfully submitted that the petitioners and the 2nd respondent has amicably compromised the issue between themselves and they have settled the civil disputes and they are compounding the offences.

3. It is respectfully submitted that the 2nd respondent has no objection in allowing the above petition by quashing the FIR in Crime No. 318 of 2019, on the file of the Pappireddipatti Police Station, Dharmapuri District.

4. Therefore it is humbly prayed that this Hon'ble Court may be pleased to record the joint memo of compromise allowing the parties to compound the offence and quash the FIR in Crime No. 318 of 2019, on the file of the Pappireddipatti Police Station, Dharmapuri District and thus render Justice.

JOINT MEMO OF COMPROMISE in CrI.O.P.No.5144 of 2020

1. The petitioners humbly submit that they have been falsely implicated in a case under Sections 447, 294(b), 506 (i) of IPC of Indian Penal Code and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No. 356 of 2019.

2. It is respectfully submitted that the petitioners and the 2nd respondent has amicably compromised the issue between themselves and they have settled the civil disputes and they are compounding the offences.

3. It is respectfully submitted that the 2nd respondent has no objection in allowing the above petition by quashing the FIR in Crime No. 356 of 2019, on the file of the Pappireddipatti Police Station, Dharmapuri District.

4. Therefore it is humbly prayed that this Hon'ble Court may be pleased to record the joint memo of compromise allowing the parties to compound the offence and quash the FIR in Crime No. 356 of 2019, on the file of the Pappireddipatti Police Station, Dharmapuri District and thus render Justice.

JOINT MEMO OF COMPROMISE in CrI.O.P.No.5551 of 2020

1. The Petitioners humbly submit that the respondent herein has preferred a private complaint as against them for offences under Section 147, 148, 294(b), 323, 341, 447, 427, 457, 354, 464, 465, 468, 120 (b) r/w 109 of IPC, on the file of Hon'ble Judicial Magistrate, Pappireddipatti and the same has been taken on file in CC No. 66 of 2019.

2. It is respectfully submitted that the petitioners and the 2nd respondent has amicably compromised the issue between themselves and they have settled the civil disputes and they are compounding the offences.

3. It is respectfully submitted that the 2nd respondent has no objection in allowing the above petition by quashing the complaint in CC No. 66 of 2019, on the file of the Judicial Magistrate, Pappireddipatti.

4. Therefore it is humbly prayed that this Hon'ble Court may be pleased to record the joint memo of compromise allowing the parties to compound the offence and quash the complaint in CC No. 66 of 2019, on the file of the Judicial Magistrate, Pappireddipatti and thus render Justice.

JOINT MEMO OF COMPROMISE in Cr1.O.P.No.5610 of 2020

1. The petitioners humbly submit that they have been falsely implicated in a case under Sections 120(b), 447 & 506 (ii) of IPC of Indian Penal Code in Crime No. 318 of 2019.

2. It is respectfully submitted that the petitioners and the 2nd respondent has amicably compromised the issue between themselves and they have settled the civil disputes and they are compounding the offences.

3. It is respectfully submitted that the 2nd respondent has no objection in allowing the above petition by quashing the FIR in Crime No. 318 of 2019, on the file of the Pappireddipatti Police Station, Dharmapuri District.

4. Therefore it is humbly prayed that this Hon'ble Court may be pleased to record the joint memo of compromise allowing the parties to compound the offence and quash the FIR in Crime No. 318 of 2019, on the file of the Pappireddipatti Police Station, Dharmapuri District and thus render Justice.

4.Under such circumstances, no useful purpose will be served in keeping the First Information Reports pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.280 of 2018.

5.These Criminal Original Petitions stand allowed and as a sequel, the proceedings in Crime Nos.318 and 356 of 2019 on the file of the Inspector of Police, Pappireddipatti Police Station, Dharmapuri District and C.C.No.66 of 2019, on the file of the Judicial Magistrate, Pappireddipatti, are quashed and the terms of Joint Memo of Compromise shall form part and parcel of this Order. Each of the petitioners shall pay a sum of Rs.10,000/-, as costs, to the Chief Justice Relief Fund, High Court of Madras, within a period of one week from the date of receipt of

a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry. Consequently connected miscellaneous petitions are closed.

* Here enclosed Joint Memo of Compromise

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate
Pappireddipatti.

2.The Inspector of Police
Pappireddipatti Police Station
Dharmapuri District.

3.The Public Prosecutor
High Court of Madras.

4.The Section Officer,
Accounts Section, High Court, Madras.

+3ccs to Mr.*, Advocate, S.R.No.32499, 32500, 32502

Cr1.O.P.Nos.20747 and 32084 of 2019
& 5144, 5551 and 5610 of 2020

KJ(CO)
KKV/29/12/2020